

C O P Y

in 414 B

Opinion

812-58

June 13, 1958

NEW HAMPSHIRE LAW LIBRARY

OCT 01 1998

CONCORD, N.H.

Admiral C. A. Brinkmann  
State Director of Civil Defense  
64 South Street  
Concord, New Hampshire

Dear Admiral Brinkmann:

During our telephone conference this morning you requested our opinion as to whether or not a director of a local organization for civil defense must be a citizen. We reply in the affirmative.

Your attention is directed to RSA 107:10 (a) (supp) which makes the establishment of local civil defense organizations mandatory and which provides in part that "the city council of a city or board of selectmen of a town may appoint one of their own members or any other citizen or official to act as director." (emphasis added)

Furthermore, RSA 107:17 (supp) requires that each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath that he will bear true faith and allegiance to the Constitution of the United States and the Constitution of The State of New Hampshire. Since one who is not a citizen owes no such allegiance it would seem that an oath by him would be meaningless.

From the two sections quoted above we conclude that in order to qualify to serve as a local director of civil defense one must be a citizen.

Very truly yours,

GTR, Jr/m

George T. Ray, Jr.  
Assistant Attorney General